

UNITED STATES BANKRUPTCY COURT

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Western District Bar Advisory Committee Minutes October 22, 2004

In attendance: Jean Rolfs, Charles Tucker, Joyce Babin, Ray Fulmer, Bill Meeks, T.R. Brixey, Bill Clark and Sherry Daves. Karen Waldroff, Brenda Shipley and Jack Gooding were unable to attend.

Update: Jean updated the committee on the NOMAD podium which will be installed in Judge Taylor's courtroom by the end of December.

Issue: Sherry Daves asked why there has been a substantial increase in the 707(b) "substantial abuse" inquiries by the US Trustee in Chapter 7 cases. Sherry said she is inundated with letters, and that these take a considerable amount of time for response.

Response: Chuck Tucker responded that he would review the screening criteria with his staff and determine if there had been any change that would have resulted in a recent increase.

Issue: T.R. Brixey asked why it sometimes takes four weeks before notices go out in Chapter 13s.

Response: Joyce Babin responded that the Chapter 13 trustees docket these entries, and there is a difference in how the three Chapter 13 trustees handle this issue. The time delay is an issue only in David Coop's office because of their batch entry system. (**Note:** Following the meeting, David Coop's office changed their procedures and chapters 13s are now noticed immediately instead of as batch events).

Issue: T.R. Brixey (and Bill Meeks) requested that ECF have an index of all possible events. He would like the search index to include pleadings which have been correctly filed under that event heading.

Response: Jean will ask the IT department to see if the Clerk's Office can accommodate this request.

NOTE: Clerk's Office has added a new item to the "Reports - ECF Events List" which shows all events and the categories where they are located. This report can be run by attorney and by trustee event.

Issue: Bill Meeks said many attorneys are under the assumption that negative notices are sent to all creditors. He recently learned you have to bring up the actual pleading to see who specifically was noticed. He asked that this be brought to the attention of the Debtor Creditor Bar.

Response: This reminder will be sent to the Debtor Creditor Bar for inclusion in their upcoming newsletter.

Issue: Bill Meeks said the Louisiana Bankruptcy Court has a Standing Order whereby if a debtor misses a 341A meeting, an Order is entered Cancelling Discharge Issuance Date and Extending Bar Date for Discharge Complaints. Bill asked if the Arkansas judges would consider this option. Bill will fax to Jean a sample order showing how Louisiana handles.

The bar advisory group was not unanimous in this request to the judges. Five members were in favor of the Standing Order, and two were not in favor.

Response: The sample order submitted by Bill Meeks will be passed on to the Arkansas bankruptcy judges for their consideration.

Issue: Bill Clark said that when filing an A/P, there is no reminder to docket the cover sheet. He requested that the Clerk's Office add this functionality in ECF.

Response: ECF now has a message that appears after the PDF attachment screen that says "Did your PDF complaint contain a REQUIRED Adversary Cover Sheet? If not, please press the Back browser button to attach corrected PDF." This message is received when users file in ECF, not when they file through bankruptcy preparation software.

(Also note: when an attorney receives an MDD because the AP cover sheet was not included, the MDD contains instructions telling the attorney to e-mail the cover sheet to dropbox@areb.uscourts.gov. This is done so the cover sheet can be properly attached by the Clerk's Office Case Administrator to the original complaint.)

Issue: Ray Fulmer requested that the Clerk's office website give information regarding maximum file size to attach to court filings.

Solution: The Clerk's office has modified their "Ask ECF" section of the website to include information about the 2.5 MB file size limit. In addition, if a user tries to load a file more than 2.5 MB, a screen pops up telling the user "You cannot load this file because it exceeds 2.5 MB. Please split file into multiple files."

Discussion: The group discussed the committee makeup and beginning rotation of members. Potential members were suggested. Jean will work out the logistics.

Next Meeting: April 1, in Hot Springs at 11:30 am at Carousel Terrace Restaurant.